

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL No. 3:07CR89DPJ-LRA

GERALD J. OREY

PRELIMINARY ORDER OF FORFEITURE

On October 25, 2007, defendant GERALD J. OREY pled guilty to Count 1 of the Indictment filed in this district (possession of a firearm by a convicted felon, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2)) and agreed to forfeit a Glock Model 27, .40 caliber pistol, serial number HWC177.

IT IS HEREBY ORDERED THAT:

1. As a result of the guilty plea on October 25, 2007, GERALD J. OREY shall forfeit to the United States any property involved in or used in a knowing violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) which is subject to forfeiture pursuant to Title 18, United States Code, Sections 924(d)(1), Title 28, United States Code, Section 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure.

2. The Court has determined, based on GERALD J. OREY'S plea that the following property was involved in or used in a knowing violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), that the defendant had an interest in such property, and that the Government has established the requisite nexus between such property and such offense. Therefore the Court finds that the property described below shall be forfeited to the United States:

PERSONAL PROPERTY

One (1) Glock pistol, Model 27, .40 caliber, serial number HWC177

3. The United States Attorney is directed to immediately commence the ancillary proceeding required by Title 21, United States Code, Section 853(n), by submitting to the United States Marshal, or the Department of Treasury, for publication the proper notice, issued by the Clerk, and the Marshal, or the Department of Treasury, shall cause such notice to be published once a week for three consecutive weeks in the *Clarion Ledger*, a newspaper having general circulation in this district, and/or on an official government internet forfeiture website (www.forfeiture.gov).

4. Any person, other than the above named defendant, asserting a legal interest in the Subject Property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his or her alleged interest in the Subject Property, and for an amendment of the order of forfeiture.

5. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2) and shall be made part of the sentence and included in the judgment.

6. Further, pending completion of the said ancillary proceeding or further order of the Court, the Marshal, the Department of Treasury, and/or any other federal law enforcement agency is directed to forthwith take and/or maintain possession of the above-described personal property.

7. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2.

SO ORDERED AND ADJUDGED this the 5th day of March, 2008.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE